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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALLISON MARIE BAVER, and
ALLISON BAVER ENTERTAINMENT,
LLC,

Defendants.

**MOTION TO WITHDRAW AS
COUNSEL**

Case No. 2:21-cr-00520

Judge Jill N. Parrish

In accordance with Rule DUCrimR 57-12 and DUCivR 83-1.4, R. Blake Hamilton and Scott F. Garrett of the law firm Dentons Durham Jones Pinegar, P.C. (collectively, “*Counsel*”), hereby submit this *Motion to Withdraw as Counsel* (“*Motion*”) for Defendants Allison Baver (“*Baver*”) and Allison Baver Entertainment, LLC (“*ABE*”). Counsel on the one hand, and ABE or Baver on the other hand, are herein sometimes collectively referred to as “*Parties*.”

STATEMENT OF FACTS

1. On or around October 9, 2020, the FBI, pursuant to seizure warrants, seized \$9,536,720.95 from various bank accounts owned by ABE.
2. On or around December 15, 2021, Allison Baver ("*Baver*") was charged in a nine-count Indictment, which was followed by a superseding indictment and second superseding indictment on June 29, 2022 and October 19, 2022, respectively.
3. Counsel entered into an engagement agreement with Allison Baver on or around January 14, 2022 in connection with criminal and grand jury proceedings against Baver.
4. There is no engagement agreement between Counsel and ABE.
5. In August of 2022, Counsel prepared an engagement agreement for ABE, but despite continually requesting that Baver sign the engagement agreement, Baver has failed or refused to sign.
6. In recent months, communications between the Parties have broken down, and Baver has increasingly refused to follow the advice of counsel.
7. Finally, Baver has failed or refused to perform according to the engagement agreement, including the compensatory obligations contained therein.

ARGUMENT

Withdrawal will cause Baver and ABE to be left without representation. Consequently, this Motion is filed in accordance with DUCivR 83-1.4(c)(1)(A).

- i. The last known contact information of the moving attorneys' client is

Allison Baver
6219 Saunter Lane
Taylorsville, Utah 84123
allison@allisonbaver.com

ALLISON BAVER ENTERTAINMENT,
LLC
% LegalINC Corporate Services Inc.
651 N. Broad St. Ste. 201
Middletown, Delaware 19709

ii. Reasons for Withdraw:

(1) Despite Counsel's continual attempts over the preceding three months to have Baver sign a separate engagement agreement for ABE in connection with this criminal case and forfeiture action, Baver has refused to do so. Consequently, no engagement agreement exists between Counsel and ABE.

(2) In recent months, communications between the Parties have broken down, and Baver has increasingly chosen to ignore the advice of counsel. Fundamentally, trust between the Parties has deteriorated, which is untenable for the interests of all involved.

(3) Finally, Baver has failed or refused to perform according to the engagement agreement, including the compensatory obligations contained therein. Consequently, Counsel can no longer continue a representative capacity.

iii. Baver and ABE are on notice that if the Motion is granted and no Notice of Substitution of Counsel has been filed, then Baver and ABE must take care that a Notice of Appearance is filed within 21 days after entry of the order, unless otherwise ordered by the court.

iv. ABE is on notice that, pursuant to DUCivR 83-1.3, no corporation, association, partnership, limited liability company, or other artificial entity may appear pro se, but must be represented by an attorney who is admitted to practice in this court

v. Counsel certifies that this Motion was sent to all parties.

In accordance with DUCivR 83-1.4(d)(2), Counsel:

(1) Certifies that Baver and ABE have been served with a copy of this Motion.

(2) The status of this case, including dates and times of any scheduled court proceedings, requirements under any existing court orders, and any possibility of sanctions are as follows:

The Motion to Dismiss filed by Ms. Baver and ABE has been briefed and fully argued (oral arguments was held on November 1, 2022). The matter was taken under advisement and a written order will be issued. Therefore, there are no outstanding Motions or matters.

The final pretrial conference in this matter is scheduled for **Tuesday, January 24, 2023 at 2 p.m. via Zoom**. Counsel who will try the case must attend.

This case is set for a five-day jury trial to begin on **Monday, February 6, 2023 at 8:30 a.m. in Room 8.200**. The attorneys are expected to **appear in court at 8:00 a.m.** on the first day of trial for a brief pre-trial meeting.

There is presently no request or proposal for sanctions against Defendants.

CONCLUSION

For the foregoing reasons, Counsel respectfully requests that it be granted leave to withdraw as counsel. A proposed Order granting this Motion is filed concurrently herewith.

DATED this 4th day of November, 2022.

DENTONS DURHAM JONES PINEGAR P.C.

/s/ R. Blake Hamilton

R. Blake Hamilton
Scott F. Garrett

CERTIFICATE OF SERVICE

I certify that on November 4, 2022, I served a copy of the foregoing via electronic Court filing upon the following people (except where indicated otherwise below).

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/s/ Melani Thatcher
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